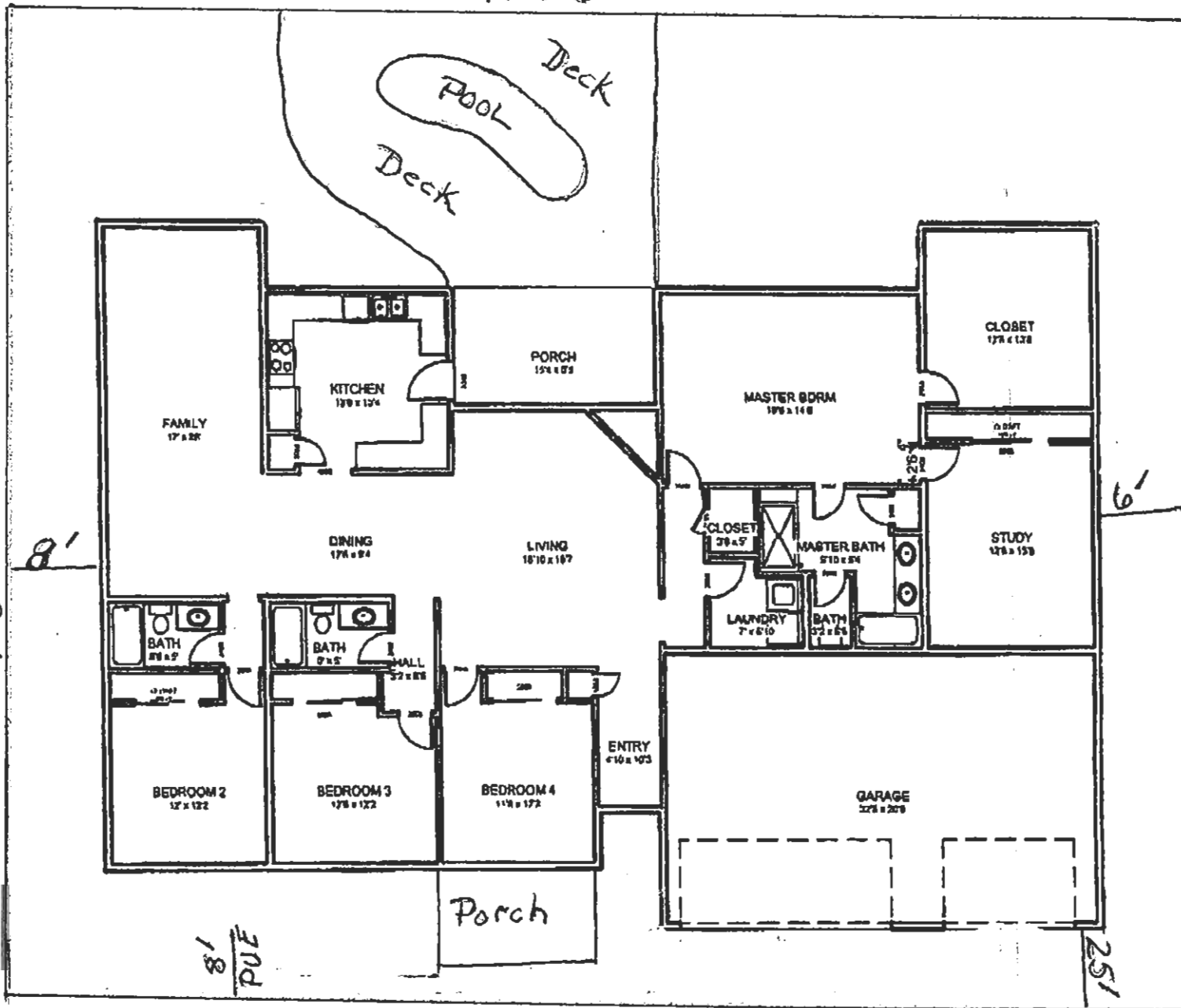


19'
Neighbors
structure

115'

8'



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Not to Scale

1. Special circumstances applying to the property which do not apply to other properties in the District, relating to size, shape, topography, location or surroundings of the property.

Our property is unique in two important respects:

- A. It is approximately 800 square feet smaller than our adjoining neighbors;
- B. One cannot expand the entire north side (the back of our home) because of an existing pool and pool deck. One can only expand "length-wise" (i.e. north) at the two ends where the pool and pool deck do not exist. For similar reasons, we cannot expand the front of our home in any reasonable fashion.

Therefore, to achieve a similar size home as our neighbors and to maintain a similar size back yard as them, we are forced to build predominantly "width-wise" (i.e. east and west); moreover, to build normal size rooms "width-wise," we must build out just a few feet into the 10 foot minimum requirement of the 1977 restriction on both sides (within 6 to 8 feet of the property lines).

2. Without the variance, we cannot enjoy the privileges and rights enjoyed by other properties in the same zoning classification and in the same zoning district as follows:

- A. First and foremost, our adjoining neighbor at 7550 E. Turquoise Ave. enjoys a 6.5 foot side yard, which, itself, is in contravention of the 1977 restriction. For whatever reason the builder, himself, circumvented the very same restriction that is at issue for us. Thus, we should be able to enjoy this same right / privilege as our most affected neighbor to our east, who is in our same zoning class. For the record, this neighbor has provided written support for our plan after being notified of the side yard effect.
- B. Second, and equally important, our portion of the subdivision "Casa Buena" is in the same zoning district (R 1-18 PRD) as the other portion of this subdivision, "Casa Buena II," and this other portion of the subdivision has only a 5 foot side yard restriction in direct contrast with our 10 foot restriction. (Please see attachment.) Accordingly, for us to enjoy the same privileges and rights as others in our zoning district, we should be entitled to the 5 foot restriction.

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3. We did not create the special circumstances identified above; rather, the builder created them. Specifically, by building a side yard of 6.5 feet in the home next to ours, the builder created the circumstance. In addition, the original plan for this home necessitated an expansion predominantly "width-wise" as set forth above. Finally, because of the discrepancy in the laws within the same subdivision (i.e. 5 foot side yards in Casa Buena II vs. 10 foot side yards in Casa Buena I), an inequity simply arose.
4. Authorizing this minor variance will not have a materially detrimental effect for five very important reasons:
 - A. First, a 6.5 foot side yard already exists at our adjoining neighbor's home;
 - B. Second, 5 foot side yard restrictions already exist in the other half of Casa Buena;
 - C. Third, the neighbors, who necessarily would be most sensitive to any construction which may be detrimental to their enjoyment of the subdivision, have voiced their support for this minor variance. (Please see signatures included in our packet.) Moreover, other neighbors received notice of the plan, including the board of the HOA, and none of these neighbors has voiced an objection either publicly or privately to our knowledge;
 - D. Finally, our construction plan substantially meets the restriction for minimum footage between adjacent properties, 20 feet (20 feet to the east and 19 feet to the west);
 - E. Our remodeled home will be consistent in size with the neighborhood.

We are requesting a variance that would allow us to remodel and expand our existing home that we purchased in October of 2002, with the intention of remodeling. According to the decades-old zoning R1-18PRD there must be 10 feet between the property and the property line even though Casa Buena II in the same subdivision only requires 5 feet. We are asking for a variance that would allow us to leave 8ft on the west side and 6ft on the east side. On the west side of our property we wish to add a bedroom, bath and family room, on the east side we wish to add a third garage, study and walk in closet. Our home currently is approximately 1600 sq. ft., with a two car garage. Our neighbors on both sides have approximately 2100-2400sq ft., with a three car garage. Our neighbor on our east also has only 6 1/2 feet from their structure to their property line on the east side of their home. Due to the layout of our home and the position of our pool this is the only way we can expand our home that we wish to enjoy and raise our future family in many years to come.

Thank you for your attention and consideration,

Jim & Jennifer Palecek

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